

REMARKS

Further examination of claims 1-3, 5-10, and 12-23 is reported in the present office action. Claims 1-3, 5-10, and 12-23 were rejected under 35 U.S.C. § 112, first paragraph, with the Examiner stating that the specification enables treatment of Type II diabetes, but not certain other diseases or conditions specified in the claims. In the interest of expediting prosecution, Applicants have herein amended the claims to specify that which the Examiner has deemed enabled: treatment of Type II diabetes. Thus, Applicants request that the present rejection be withdrawn and the case proceed to allowance. Applicants reserve the right to pursue claims relating to the other indications in continuing applications.

Applicants further note that new claims 24-43 have been added to the application. The two effects specified in claim 1 have been separated into two new independent claims, 24 (insulin sensitizing effect) and 34 (insulin mimetic effect). New claims 24 and 34 also specify that the administered 4-hydroxyisoleucine is in the 2S, 3R, 4S form (as supported by, e.g., claim 4), and that the condition treated is Type II diabetes (as is now specified in claim 1). The claims of each of the following two groups of new dependent claims, 25-31 (depending from new claim 24) and 35-41 (depending from new claim 34), generally correspond to claims 17-22, and are supported throughout the specification. New claims 32 and 42 specify that the 4-hydroxyisoleucine is administered in the form of a solution, which is supported in the specification at, for example, page 10, line 13. New claims 33 and 43 specify that the 4-hydroxyisoleucine is administered in the form of a powder, which is supported throughout the specification, as that is a form in which it can be purified. No new matter has been added.

CONCLUSION

Applicants submit that the claims are in condition for allowance, and such action is respectfully requested. If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

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